

**UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re	:	Chapter 7
	:	
ANTHONY J. MARQUES and	:	Bankruptcy No. 05-31854DWS
ELENA M. MARQUES,	:	
	:	
Debtors.	:	
ANTHONY J. MARQUES,	:	Adversary No. 07-0207
ELENA M. MARQUES,	:	
	:	
Plaintiffs/Counter-Defendants,	:	
	:	
v.	:	
	:	
BANK OF AMERICA, N.A., successor-in-interest	:	
by merger to Fleet National Bank, and successor-in-	:	
interest by merger to Progress Bank [dsm'd on 8/22/07],	:	
	:	
Defendant,	:	
	:	
GREAT PLAINS CAPITAL CORPORATION,	:	
Assignee to Bank of America, N.A.,	:	
	:	
Defendants/Counter-Claimant.	:	

**ORDER**

**AND NOW**, this 16th day of September 2008, upon consideration of the Amended Complaint (the "Complaint") of the debtors/plaintiffs Anthony J. Marques and Elena M. Marques ("the Marques") against Great Plains Capital Corporation (the "GPCC"), after notice and hearing and for the reasons stated in the accompanying Memorandum Opinion;

It is hereby **ORDERED** that GPCC's claim arising under Note II (as described in the Memorandum Opinion) is **UNSECURED** and GPCC's claim arising under Note III (as described in the Memorandum Opinion) is **SECURED** by the Open-End Mortgage dated July 11, 2003. Judgment is entered **In Favor of Plaintiffs as to Note II** and **In Favor of GPCC as to Note III and its Counterclaim.**

It is **Further ORDERED** that GPCC is granted relief from the automatic stay to take action in state court to have the Open-End Mortgage satisfaction piece stricken from the record and to have the Open-End Mortgage reinstated.

---

DIANE WEISS SIGMUND  
United States Bankruptcy Judge